

# TRANSMITTAL FORM

Application Number: 10/565,415  
 Filing Date: January 23, 2006  
 First Named Inventor: Anthony Simmons  
 Art Unit: Unknown  
 Examiner Name: Unknown  
 Attorney Docket Number: UTSG:263US

Total Number of Pages in this Submission : \_\_\_\_\_

## ENCLOSURES (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> References _____<br><input type="checkbox"/> Foreign Search Report<br><br><input type="checkbox"/> Certified Copy of Priority Documents<br><br><input checked="" type="checkbox"/> Reply to Missing Parts/Requirements<br><input checked="" type="checkbox"/> Reply to Missing Parts/Requirements<br><input checked="" type="checkbox"/> Declaration(s) 1<br><input checked="" type="checkbox"/> Copy of Notice of Missing Parts/Requirements | <input type="checkbox"/> Drawings(s) _____<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address<br><input type="checkbox"/> Statement under 37 CFR §3.73(b)<br><input type="checkbox"/> Designation of Patent Practitioners<br><br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)<br><input checked="" type="checkbox"/> Check in the amount of \$1,410.00<br><input checked="" type="checkbox"/> Authorized to be charged to deposit account if check insufficient or inadvertently omitted<br>Deposit account number: <u>50-1212/UTSG:263US</u><br><input type="checkbox"/> Sequence Statement<br><input type="checkbox"/> Paper Copy of Sequence Listing<br><input type="checkbox"/> Computer Readable Form (CRF)<br><input checked="" type="checkbox"/> Postcard<br><input checked="" type="checkbox"/> Affidavit<br><input checked="" type="checkbox"/> Exhibits A-C |
|--|--|--|

Remarks:

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski L.L.P.	Customer Number	32425
Signature			
Printed Name	Gina N. Shishima	Reg. No.	45,104
Date	September 14, 2006		

EXPRESS MAIL MAILING LABEL  
 NUMBER EV 603374175 US  
 DATE OF DEPOSIT September 14, 2006

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Anthony Simmons  
Jianmin Chen

Serial No.: 10/565,415

Filed: January 23, 2006

For: COMPOSITIONS AND METHODS FOR  
HERPES SIMPLEX PROPHYLAXIS AND  
TREATMENT

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSG:263US

EXPRESS MAIL MAILING LABEL	
NUMBER	EV 603374175 US
DATE OF DEPOSIT	September 14, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MS PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated February 14, 2006, there are enclosed herewith:

- (a) Declaration executed on behalf of Anthony Simmons;
- (b) Petition Under 37 C.F.R. § 1.47(a);
- (c) Affidavit Under 37 C.F.R. § 1.47;
- (d) Exhibits A-C;

- (e) Our check in the amount of \$1,410.00 to cover the basic surcharge for late filing (\$130.00); five month extension of time fee (\$1,080.00); petition fee (\$200.00);
- (f) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
- (g) A Request for Extension of Time of five months to and including September 14, 2006. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM and a check for \$40.00 are being filed via Electronic Patent Assignment System.

Applicants are entitled to small-entity status pursuant to 37 C.F.R. 1.27. Therefore, small-entity fees have been paid accordingly.

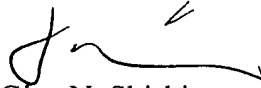
If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/UTSG:263US.

09/20/2006 GFREY1 00000100 10565415

01 FC:1617	130.00 OP
02 FC:2255	1080.00 OP

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gina N. Shishima', with a stylized flourish at the end.

Gina N. Shishima  
Reg. No. 45,104  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: September 14, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,415	Anthony Simmons	UTSG263US

INTERNATIONAL APPLICATION NO.
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PCT/US04/24013

I.A. FILING DATE	PRIORITY DATE
07/26/2004	07/25/2003

32425  
 FULBRIGHT & JAWORSKI L.L.P.  
 600 CONGRESS AVE.  
 SUITE 2400  
 AUSTIN, TX 78701

CONFIRMATION NO. 2190

371 FORMALITIES LETTER



\*QC000000018007807\*

Date Mailed: 02/14/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/23/2006
- Copy of the International Search Report filed on 01/23/2006
- Biochemical Sequence Diskette filed on 01/23/2006
- Biochemical Sequence Listing filed on 01/23/2006
- U.S. Basic National Fees filed on 01/23/2006
- Specification filed on 01/23/2006
- Claims filed on 01/23/2006
- Abstracts filed on 01/23/2006
- Drawings filed on 01/23/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,415	PCT/US04/24013	UTSG263US